

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**CHARLES A. BOLLMANN, M.D.**

Holder of License No. 6020  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-08-0384A

**CONSENT AGREEMENT FOR  
DECREE OF CENSURE AND  
PROBATION**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Charles A. Bollmann, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any

1 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any  
2 other pending or future investigation, action or proceeding. The acceptance of this  
3 Consent Agreement does not preclude any other agency, subdivision or officer of this  
4 State from instituting other civil or criminal proceedings with respect to the conduct that is  
5 the subject of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this  
7 matter and any subsequent related administrative proceedings or civil litigation involving  
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
9 or made for any other use, such as in the context of another state or federal government  
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof)  
13 to the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that  
21 will be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

1        11. Any violation of this Consent Agreement constitutes unprofessional conduct  
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,  
3 probation, consent agreement or stipulation issued or entered into by the board or its  
4 executive director under this chapter") and 32-1451.

5        12. ***Respondent has read and understands the conditions of probation.***

6  
7   
8 CHARLES A. BOLLMANN, M.D.

DATED: 10/22/08

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 6020 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-08-0384A after Board Staff conducted  
7 a random chart review of three patients' records.

8 4. The Board issued Respondent a Decree of Censure and Probation (Order)  
9 on September 15, 2007. The Order required Respondent to submit to random chart  
10 reviews. Board Staff conducted a random chart review of three patients' records and found  
11 deviations in all three.

12 **PATIENT KK**

13 5. From September 27, 2007 through January 24, 2008, a forty-four year-old  
14 female patient ("KK") was seen in Respondent's office approximately seven times for  
15 Vibraderm and Botox treatments. At each visit, KK completed patient information and her  
16 medical history; however, there was no physical examination of the areas to be treated  
17 found in the medical record.

18 **PATIENT GB**

19 6. On December 17, 2007, a fifty-five year-old female patient ("GB") presented  
20 to Respondent's office for photofacial/skin rejuvenation and non-ablative wrinkle reduction.  
21 The treatment record showed GB had rosacea; however, there was no physical  
22 examination of the areas to be treated found in the medical record.

1 **PATIENT MK**

2 7. From February 2007 through February 2008, a seventy-four year-old female  
3 patient ("MK") presented to Respondent's office approximately ten times for rhytides.  
4 There was no physical examination of the areas to be treated found in the medical record.

5 8. The standard of care for a patient undergoing treatment requires a physician  
6 to perform and record a physical examination directed toward the areas of the body to be  
7 treated.

8 9. Respondent deviated from the standard of care because he did not perform  
9 and/or record a physical examination for KK, GB, and MK.

10 10. Respondent's failure to perform physical examinations could have resulted in  
11 potential for complications from the procedures.

12 11. A physician is required to maintain adequate legible medical records  
13 containing, at a minimum, sufficient information to identify the patient, support the  
14 diagnosis, justify the treatment, accurately document the results, indicate advice and  
15 cautionary warnings provided to the patient and provide sufficient information for another  
16 practitioner to assume continuity of the patient's care at any point in the course of  
17 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did  
18 not perform and/or record physical examinations for the patients.

19 **CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over the subject matter hereof and over  
21 Respondent.

22 2. The conduct and circumstances described above constitute unprofessional  
23 conduct pursuant to A.R.S. § 32-1401 (27)(e) ("[f]ailing or refusing to maintain adequate  
24 records on a patient.") and A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or  
25 might be harmful or dangerous to the health of the patient or the public.").

1 ORDER

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent is issued a Decree of Censure for failure to perform physical  
4 examinations and for failure to maintain adequate records.

5 2. Respondent is placed on probation for **ten years** with the following terms  
6 and conditions:

7 a. Chart Reviews

8 Board Staff or its agents shall conduct quarterly chart reviews. Based upon  
9 the chart review, the Board retains jurisdiction to take additional disciplinary or remedial  
10 action.

11 b. Obey All Laws

12 Respondent shall obey all state, federal and local laws, all rules governing  
13 the practice of medicine in Arizona, and remain in full compliance with any court ordered  
14 criminal probation, payments and other orders.

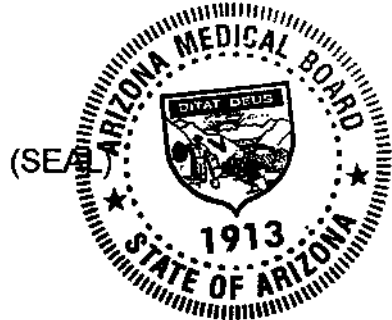
15 c. Tolling

16 In the event Respondent should leave Arizona to reside or practice outside  
17 the State or for any reason should Respondent stop practicing medicine in Arizona,  
18 Respondent shall notify the Executive Director in writing within ten days of departure and  
19 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
20 time exceeding thirty days during which Respondent is not engaging in the practice of  
21 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
22 non-practice within Arizona, will not apply to the reduction of the probationary period.

23 d. After five years, Respondent may apply to the Board to request the  
24 probation be terminated.

25 3. This Order is the final disposition of case number MD-08-0384A.

1 DATED AND EFFECTIVE this 4th day of November, 2008.



ARIZONA MEDICAL BOARD

By

Lisa S. Wynn  
Executive Director

7 ORIGINAL of the foregoing filed  
8 this 4th day of November, 2008 with:

9 Arizona Medical Board  
9545 E. Doubletree Ranch Road  
10 Scottsdale, AZ 85258

11 EXECUTED COPY of the foregoing mailed  
12 this 4th day of November, 2008 to:

13 Charles A. Bollmann, M.D.  
Address of Record

14 Chris Bump  
15 Investigational Review  
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